BUSH ET AL. *v.* ORLEANS PARISH SCHOOL BOARD ET AL.

ON MOTION FOR STAY.

Decided December 12, 1960.*

A three-judge Federal District Court declared unconstitutional, and temporarily enjoined enforcement of, a series of enactments of the Louisiana Legislature designed to prevent partial desegregation of the races in certain public schools in New Orleans pursuant to an earlier federal court order. It was contended, *inter alia*, that the State of Louisiana had "interposed itself in the field of public education over which it has exclusive control," and motions were made for a stay of the injunction pending direct appeal to this Court. *Held:* This contention and others made in the motions are without substance, and the motions for stay are denied.

Jack P. F. Gremillion, Attorney General of Louisiana, for the State of Louisiana et al.

W. Scott Wilkinson and *Thompson Clarke* for the Legislature of Louisiana et al.

Solicitor General Rankin for the United States.

Robert G. Polack, Peter H. Beer, William M. Campbell, Jr. and *Ralph N. Jackson* for the Orleans Parish School Board et al., in opposition.

Thurgood Marshall, Constance Baker Motley and *A. P. Tureaud* for Bush et al., in opposition.

PER CURIAM.

These are motions for stay of an injunction by a three-judge District Court which nullified a series of enactments of the State of Louisiana. The scope of these enactments and the basis on which they were found in conflict with

*Together with *United States* v. *Louisiana et al.* and *Williams et al.* v. *Davis et al.*, also on motions for stay.

the Constitution of the United States are not matters of doubt. The nub of the decision of the three-judge court is this:

> "The conclusion is clear that interposition is not a *constitutional* doctrine. If taken seriously, it is illegal defiance of constitutional authority." *United States* v. *Louisiana,* 188 F. Supp. 916, 926.

The main basis for challenging this ruling is that the State of Louisiana "has interposed itself in the field of public education over which it has exclusive control." This objection is without substance, as we held, upon full consideration, in *Cooper* v. *Aaron,* 358 U. S. 1. The others are likewise without merit.

Accordingly, the motions for stay are denied.